

Serial No. 09/980,434

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**REMARKS**

Claims 1-62 are pending in the present application. Claim 46 has been amended to further clarify the limitations in the Claim. Applicant respectfully requests reconsideration of the pending Claims in view of the amendment to Claim 46 and the following remarks.

**Telephonic Interview**

Applicant thanks the Examiner for the courtesies extended during a telephonic interview conducted on July 21, 2005. During the interview, U.S. Patent No. 6,609,005 and United Kingdom published application no. GB 2322248A were discussed with regard to claims 1-62. It was agreed during the interview that the cited prior art did not anticipate or render obvious the invention described by Claims 1-62 either alone or in combination.

**Claim Rejections pursuant to 35 U.S.C. §103(a)**

Claims 1-11, 14-36, and 39-62 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,609,005 to Chern (hereinafter "Chern") and further in view of United Kingdom published application No. GB 2322248A to Hashimoto (hereinafter "Hashimoto"). In addition, Claims 12, 13, 37 and 38 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Chern and Hashimoto, and further in view of U.S. Patent No. 5,959,977 to Fan et al. (hereinafter "Fan"). Applicant respectfully traverses these rejections since all of the features provided in Claims 1-62 are not taught, suggested, or disclosed by Chern, Hashimoto and Fan either alone or in combination. Thus, a *prima facie* case of obviousness has not been established.

**Claims 1-22 and 61**

In the office action mailed May 16, 2005, it has been asserted that Chern teaches transmitting, by said mobile communication terminal, after adding said acquired location information to said received data, said data to said computer as up data as described in Claim 1. However, as indicated in the office action mailed May 16, 2005, and as discussed during the telephonic interview, Chern does not teach receiving down data. Accordingly, Chern cannot

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possibly teach transmitting, after adding said acquired location information to said received data as described in Claim 1. In fact, Chern teaches away from adding acquired location information to received data, since the wireless device in Chern initiates the requests. (Col. 7 lines 13-14) Clearly, an initiated request cannot possibly involve adding acquired location information to received data as described in Claim 1. Since Chern does not teach, suggest, or disclose receiving down data containing a request for location information, Chern cannot possibly teach transmitting, after adding acquired location information to said received data, said acquired location information as described in Claim 1.

In the office action, it has also been asserted that Hashimoto teaches receiving, by a mobile communication terminal, from a computer through a mobile communication network, down data containing a request for location information as described in Claim 1. Applicant respectfully disagrees that Hashimoto teaches such activity. Hashimoto describes a portable remote terminal that includes a plurality of position systems that include GPS, D-GPS, portable telephone base station, PHS base station, radio marker and local movement detection functionality (P. 8-9 and Fig. 1). The portable remote terminal acquires, at the end of every fixed period of time, the current position of the portable remote terminal by use of the highest precision position information available from the various systems. (P. 12 lines 11-23, P. 21 lines 8-11) The position is displayed in a map of the surrounding area within a display unit included with the portable remote terminal. (P. 15 lines 10-22 and Fig. 3) The portable remote terminal also transmits the current position to a central system at the end of every fixed time period. (P. 21 lines 12-15) The central system provides map data when the map data in the portable remote terminal is insufficient to display the current position. (P. 10 lines 24-25 and P. 11 lines 1-3) The central system is also connected with a home terminal that can request and receive the current position of the portable remote terminal from the central system. (P. 11 lines 11-16) In addition, another portable remote terminal (a third party) can request and receive the current position of the portable remote terminal from the central system. (P. 25 lines 1-4 and P. 26 lines 13-16)

As was discussed during the telephonic interview on July 21, 2005, the determined time period described by Hashimoto is clearly not down data containing a request for location information that is received by a mobile communication terminal from a computer through a

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mobile communication network as described in Claim 1. In fact, transmitting location information every fixed period of time as taught by Hashimoto teaches away from receiving by a mobile communication terminal down data containing a request for location information as described in Claim 1.

In the office action, it has also been assert that Chern teaches detecting whether said down data contains a character string as described in Claims 2, 3 and 4. To the contrary, since Chern does not even receive with a mobile communication terminal from a computer down data that contains a request for location information, Chern cannot possibly teach, suggest, or disclose detecting whether the received down data contains a character string requesting various different specific information as described in Claims 2, 3 and 4. In addition, for at least the previously discussed reasons, Chern cannot teach, suggest, or disclose substituting acquired location information for a predetermined character string contained in the received down data as described in Claim 5, nor can Chern teach that the down data received by the mobile communication terminal contains information indicating an address as described in Claim 6. Further, Chern also cannot teach, suggest, or disclose receiving down data containing a request for location information and containing a plurality of addresses as provided in Claim 7. Kariya also does not teach, suggest, or disclose transmitting location information at predetermined intervals designated by the received down data as provided in Claim 9, nor accumulating location information acquired at predetermined intervals, and transmitting said accumulated location information at a time point designated by the received down data as described in Claim 10.

Claim 14 provides that disclosure information indicating whether the location information is to be disclosed to a computer is stored, in advance, in a predetermined storage means. Claim 14 also provides that acquired location information is added in the case of receiving down data from said computer to which the location information is to be disclosed. In contrast, neither Chern nor Hashimoto teach, or are at all concerned with whether location information of a mobile terminal is to be disclosed to a computer as described in Claim 14. Thus, it follows that neither Chern nor Hashimoto are at all concerned with transmitting a notice of rejecting the provision of location information as described in Claim 15. Claim 16 describes receiving down data containing a request for location information and also containing

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information designating a method of location measurement. In contrast, although Chern and Hashimoto each disclose a position determination system, neither Chern nor Hashimoto teach, suggest, or disclose that information designating a method of location measurement is contained in down data received from a computer as provided in Claim 16. Nor does Chern or Hashimoto teach, suggest, or disclose designation of a quality condition in received down data as described in Claim 17.

Applicant respectfully asserts that Claim 61 was not examined on the merits in the office action mailed May 16, 2005. Neither Chern nor Hashimoto teach, suggest, or disclose the described limitations in Claim 61, and no basis for the rejection of Claim 61 has been provided in the office action mailed May 16, 2005. 37 C.F.R. §1.104(c) requires that "When a reference is complex or shows or describes inventions other than that claimed by the applicant, *the particular part relied on must be designated as nearly as practicable*. The pertinence of each reference must be *clearly explained and each rejected claim specified*." (emphasis Applicant's) Accordingly, Applicant respectfully requests that examination on the merits and the basis for the rejection of Claim 61 be provided in a non-final office action to allow the Applicant an opportunity to respond to the rejection.

Based on at least the foregoing discussion, all of the claim limitations described in Claims 1-7, 9-10, and 14-17 are not taught or suggested by Chern or Hashimoto either alone or in combination. Thus, a *prima facie* case of obviousness has not been established for these Claims. In addition, Claims 2-22 and 61 depend from independent Claim 1 and therefore a *prima facie* case of obviousness has not been established for these Claims for at least the same reasons. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. §103(a) rejection of Claims 1-22 and 61.

#### Claims 23-26

In the office action mailed May 16, 2005, it was asserted that Chern teaches acquiring by a mobile communication terminal location information indicating the location of itself for use by a destination mobile communication terminal as described in Claim 23. Applicant respectfully traverses this assertion since Chern actually teaches that the location information is for use by a server to carry out a request initiated by a handset. (Col. 9 lines 61-67 and Col. 10 lines 1-3 and

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57-60) Clearly, Chern teaches location information for use by a destination server, not a destination mobile communication terminal as described in Claim 23.

In the office action mailed May 16, 2005, it was also asserted that Hashimoto teaches a mobile communication terminal retrieving from memory a pre-stored network address indicative of a server that provides map location information that is accessible by a destination mobile communication terminal in conjunction with said location information as described in Claim 23. As discussed during the telephonic interview on July 21, 2005, Applicant respectfully traverse this assertion since, Hashimoto teaches a portable terminal simply transmits the acquired current position of itself to a central system where it is logged as previously discussed. (P. 21 lines 12-20) Hashimoto further teaches that another portable terminal can request the location of the mobile terminal by identifying the mobile terminal in a request made to the central server. (P. 22 lines 2-8) Nowhere does Hashimoto teach, suggest, or disclose that a mobile terminal retrieves from memory a pre-stored network address as described in Claim 23. In addition, Hashimoto does not teach, suggest, or disclose that a network address and acquired location information are transmitted by a mobile communication terminal for receipt by a destination mobile communication terminal as described in Claim 23. In fact, Hashimoto teaches away by teaching that only the location information is transmitted for receipt by a central server. Clearly a central server is not a destination mobile communication terminal as described in Claim 23.

Accordingly, all of the claim features disclosed by Claim 23 are not taught or suggested by Chern and/or Hashimoto. Thus, a *prima facie* case of obviousness has not been established. Claims 24-26 depend from independent Claim 23 and therefore a *prima facie* case of obviousness has not been established for these Claims for at least the same reasons. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claims 23-26.

#### Claims 27-45 and 62

As discussed during the telephone interview on July 21, 2005, neither Chern nor Hashimoto teach, suggest, or disclose receiving means for receiving down data containing a request for location information from a computer as described in Claim 27. In addition, neither

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Chern nor Hashimoto teach, suggest, or disclose transmitting means for adding acquired location information to the received data as further described in Claim 27.

Chern and Hashimoto, either alone or in combination, also fail to teach, suggest, or disclose means for detecting whether the down data that contains a request for location information from a computer also contains a character string requesting specific information as described in Claims 28, 29 and 30. Since neither Chern nor Hashimoto teach, suggest, or disclose down data that contains a character string requesting anything from a mobile terminal, it is clear that neither Chern nor Hashimoto can possibly teach, suggest, or disclose the specific information described in each of Claims 28, 29 and 30.

In addition, neither Chern nor Hashimoto alone or in combination teach, suggest, or disclose means for detecting whether down data containing a request for location information also contains a plurality of addresses, means for obtaining the addresses from the down data and transmitting means to transmit data to each of the addresses as provided in Claim 32. Instead, Chern simply teaches a web browser in a handset that can be initiated by a user to transmit a URL with location information, and Hashimoto teaches initiation of transmittal of location information at predetermined time intervals. Clearly initiating transmittal of a URL or location information is entirely different from transmitting down data received from a computer to addresses contained in the down data in succession as described in Claim 32.

Also, neither Chern nor Hashimoto alone or in combination teach, suggest, or disclose transmitting means that transmits acquired location information during the period from a time point to another time point designated by down data received from a computer as described in Claims 33 and 34 or at a designated time point as described in Claim 35. With regard to Claim 39, neither Chern nor Hashimoto, alone or in combination teach, suggest, or disclose means for selecting a location measuring method designated by down data received from a computer. Further, means for selecting a location measuring method that selects a measuring method based on a data designating a quality condition of location information contained in down data received from a computer as described in Claim 40 is also not taught, suggested or disclosed by Chern or Hashimoto either alone or in combination.

Claim 43 describes a storage means for storing disclosure information indicating whether a computer requesting the location information of the mobile communication terminal is a

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computer to which the information is to be disclosed. In addition, Claim 43 provides that the transmitting means adds, in the case of receiving down data from the computer to which said location information is to be disclosed, the acquired location information to the received data before transmitting to the computer as up data.

In the office action mailed May 16, 2005 it was asserted that Chern or Hashimoto teaches the features of Claim 43. Applicant respectfully disagrees since, Chern teaches scripts or prompts that act as parameter limits or filters to narrow a user's request prior to transmitting said request to a server. Clearly, prompts to narrow a request are entirely different from disclosure information indicating whether a computer requesting the location information of the mobile communication terminal is a computer to which the information is to be disclosed to at all as described in Claim 43. Since neither Chern nor Hashimoto teach or suggest such disclosure information, and Chern and Hashimoto fail to teach or suggest the addition of location information to data received from a computer as further disclosed in Claim 43, Hashimoto and Chern cannot teach, suggest, or disclose a transmitting means that adds the location information, in the case of receiving down data from the computer to which said location information is to be disclosed as further provided in Claim 43. Further, transmitting means that transmits a notice for rejecting the provision of location information when the location information is not to be disclosed to the computer from which down data is received as provided in Claim 44 is not taught, suggested or disclosed by Chern or Hashimoto.

Applicant respectfully asserts that Claim 62 was not examined on the merits in the office action mailed May 16, 2005. Neither Chern nor Hashimoto teach, suggest, or disclose the described limitations in Claim 62, and no basis for the rejection of Claim 62 is provided in the office action mailed May 16, 2005. 37 C.F.R. §1.104(c) requires that "When a reference is complex or shows or describes inventions other than that claimed by the applicant, *the particular part relied on must be designated as nearly as practicable. The pertinence of each reference must be clearly explained and each rejected claim specified.*" (emphasis Applicant's) Accordingly, Applicant respectfully requests that the examination on the merits and the basis for the rejection of Claim 62 be provided in a non-final office action to allow the Applicant an opportunity to respond to the rejection.

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Thus, for at least the foregoing reasons, all of the claim features disclosed by Claim 27-30, 32-35, 39 and 43 are not taught or suggested by Chern and/or Hashimoto. Accordingly, a *prima facie* case of obviousness has not been established. Claims 28-45 and 62 depend from independent Claim 27 and therefore a *prima facie* case of obviousness has not been established for these Claims for at least the same reasons. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claims 27-45 and 62.

#### Claims 46-48

In the office action mailed May 16, 2005, it was apparently asserted that Chern teaches transmitting means for adding acquired location information to a network address of a server configured to supply map information based on the location information, the map information displayable by the arbitrary terminal as described in Claim 46. Applicant respectfully traverses this assertion because Chern teaches that a handset appends location information to a URL that is an address of a server using a browser. (Col. 9 lines 56-61) The address of the server is used by a browser in the handset to proceed to the server addressed by the URL so that the handset can acquire information from the server. (Col. 9 lines 55-67) Claim 46, on the other hand, describes that transmitting means is configured to transmit the network address and the location information for receipt by an arbitrary terminal, not to the server identified by the transmitted network address as taught by Chern. Clearly, Chern teaches away from the limitations described in Claim 46, since the network address taught by Chern is used by Chern's handset to direct a browser operating in the handset to the server with that indicated network address. Claim 46, on the other hand, describes that the location information and network address are transmitted for receipt by the arbitrary terminal to allow the present location of the mobile communication terminal to be mapped by the arbitrary terminal using the network address and the location information to obtain map information.

Accordingly, for at least the foregoing reasons, a *prima facie* case of obviousness has not been established for Claim 46. Claims 47-48 depend from independent Claim 46 and therefore a *prima facie* case of obviousness has not been established for these Claims for at least the same reasons. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. §103(a) rejection of Claims 46-48.

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Claims 49-60

Claim 49 describes a mobile communication terminal. The mobile communication terminal includes a radio unit configured to receive wirelessly transmitted down data that includes a request for a current location of the mobile communication terminal. The mobile communication terminal also includes a microcomputer configured to direct the acquisition of location information indicative of a current location of the mobile communication terminal in response to the existence of the request. The microcomputer is configured to replace a portion of the received data with the acquired location information. After replacement with the location information, the radio unit is configured to wirelessly transmit the data as up data in response to the request.

As discussed during the telephonic interview on July 21, 2005, neither Chern nor Hashimoto teach, suggest, or disclose receipt by a radio unit of wirelessly transmitted down data that includes a request for a current location of the mobile communication terminal as described in Claim 49. In addition, neither Chern nor Hashimoto either alone or in combination teach, suggest, or disclose a microcomputer configured to replace a portion of the received data with acquired location information as also described in Claim 49. Since neither Chern nor Hashimoto teach, suggest, or disclose receipt of a request, neither Chern nor Hashimoto could possibly teach or suggest that after replacement with the location information, the radio unit is configured to wirelessly transmit the data as up data in response to the request as further described in Claim 49.

In addition, neither Hashimoto nor Chern teach, suggest, or disclose a predetermined datastring as described in Claims 50-51, nor do Hashimoto or Chern teach, suggest, or disclose a selectable status indication as described in Claims 52-54. Further, authorization to receive location information as described in Claim 55, a menu that includes menu items in response to receipt of down data as described in Claim 56, and a plurality of destination addresses as described in Claim 57 are not taught, suggested, or disclosed by Chern nor Hashimoto either alone or in combination. Also, a time specified in the down data as described in Claims 58 and 59, and designation of a location information measurement method in the down data is not taught, suggested or disclosed by Chern or Hashimoto either alone or in combination.

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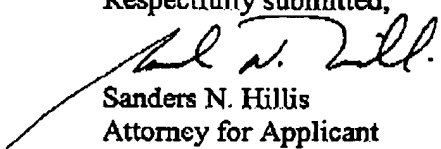
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Applicant respectfully asserts that Claims 50-60 were not examined on the merits because the basis for the rejection of claims 50-60 is not practicably designated and clearly explained in the office action mailed May 16, 2005. 37 C.F.R. §1.104(c) requires that "When a reference is complex or shows or describes inventions other than that claimed by the applicant, *the particular part relied on must be designated as nearly as practicable*. The pertinence of each reference must be *clearly explained and each rejected claim specified*." (emphasis Applicant's) Accordingly, Applicant respectfully requests that examination on the merits and the basis for the rejection of Claims 50-60 be designated and clearly explained in a non-final office action to allow the Applicant an opportunity to respond to these rejections.

Conclusion

With this amendment and response, Applicant believes that the present pending claims of this application are allowable and respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



Sanders N. Hillis  
Attorney for Applicant  
Attorney Reg. No. 45,712

BRINKS HOFER GILSON & LIONE  
CUSTOMER NO. 27879  
Telephone: 317-636-0886  
Facsimile: 317-634-6701